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05 JAN 2007

Basell USA Inc.  
Intellectual Property  
912 Appleton Road  
Elkton, Maryland 21921

In re Application of  
NEWS et al.

Application No.: 10/551,682

PCT No.: PCT/EP04/03307

Int. Filing Date: 29 March 2004

Priority Date: 03 April 2003

Atty. Docket No.: MI 6097 (US)

For: IMPACT RESISTANT POLYOLEFIN  
COMPOSITIONS

DECISION

This decision is issued in response to applicant's "Petition under 37 CFR 1.53 to Correct Official Filing Receipt" filed on 15 November 2006. No petition fee is due.

### BACKGROUND

On 29 March 2004, applicant filed international application PCT/EP04/03307 which claimed a priority date of 03 April 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 October 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 03 October 2006.

On 29 September 2005, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; a preliminary amendment; and a declaration (in compliance with 37 CFR 1.497) previously submitted in the international application under PCT Rule 4.17(iv).

On 24 May 2006, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 19 July 2006, applicant filed "Letter Transmitting Missing Requirements under 35 U.S.C. 371" which included a copy of the PCT Request executed by the applicant/inventors.

On 04 October 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 19 July 2006 and a 35 U.S.C. 371 completion date of 19 July 2006.

On 15 November 2006, applicants filed "Request for Corrected Filing Receipt."

### DISCUSSION


Applicant requests a corrected filing date (or 371(c) date) from 19 July 2006 to 29 September 2005. The actual filing date of the present application is the international filing date, i.e., 29 March 2004. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01) A review of the application file reveals that the basic national fee, a copy of the international application, and an executed declaration (PCT Request which included a copy of the Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv)) was filed with the USPTO on 29 September 2005, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage was completed. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 29 September 2005 is proper since applicants completed the requirements set forth in 35 U.S.C. 371(c) on 29 September 2005. (See MPEP section 1893.03(b)).

The information listed in the "Assignment for Published Patent Application" section of the Filing Receipt will be corrected to Bassell Poliolefine.

### CONCLUSION

Applicant's request for a corrected filing receipt is GRANTED and the Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 04 October 2006 is hereby VACATED.

The application has an international filing date of 29 March 2004 under 35 U.S.C. 363 and a date of **29 September 2005** under 35 U.S.C. 371(c). This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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